

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**UNITED STATES OF AMERICA,  
PLAINTIFF,**

**V.**

**REAL PROPERTY KNOWN AND  
NUMBERED 1625 AUGUSTA BOULEVARD,  
UNIT 172, FAIRFIELD, BUTLER COUNTY,  
OHIO, WITH ALL APPURTENANCES,  
IMPROVEMENTS, AND ATTACHMENTS  
THEREON,  
DEFENDANT.**

CASE NO. 1:01-CV-767

UNITED STATES' MOTION  
FOR DECREE OF FORFEITURE

SENIOR JUDGE SPIEGEL

The United States, by and through the United States Attorney for the Southern District of Ohio, moves this Court for a Decree of Forfeiture against \$22,617.11 in lieu of real property known and numbered as 1625 Augusta Boulevard, Unit 172, Fairfield, Butler County, Ohio, pursuant to 18 U.S.C. § 981(a)(1)(A) and/or 18 U.S.C. § 981(a)(1)(C). The record in this case and the following memorandum support this motion.

# Memorandum

This is a civil forfeiture action brought by the United States on November 5, 2001, to confirm the forfeiture of the defendant under 18 U.S.C. § 981(a)(1)(A) because it is property that was involved in or is traceable to property that was involved in one or more violations of 18 U.S.C. § 1956(a)(1)(A)(i), 18 U.S.C. § 1956(a)(1)(B)(i), 18 U.S.C. § 1957, 31 U.S.C. § 5313(a) and/or 31 U.S.C. § 5324(a); and under 18 U.S.C. § 981(a)(1)(C) because it is property constituting or derived from proceeds traceable to one or more violations of 18 U.S.C. § 1028, 18 U.S.C. § 1029(a)(5), 18 U.S.C. § 1341, 31 U.S.C. § 5313(a) and/or 31 U.S.C. § 5324(a), and/or conspiracy to violate such offenses, in violation of 18 U.S.C. § 371.

The Court recognized the jurisdiction it had over the defendant when it issued a Writ of Entry (Doc. 3).

The United States served notice upon all persons and entities believed to have an interest in the defendant by certified mail (Doc. 4), and the United States published notice of the action in the Cincinnati Court Index, a newspaper of general circulation in the Southern District of Ohio, on January 23, January 30, and February 6, 2002 (Doc. 8).

Charlotte Penwell, as Administrator of the Estate of Mark Daniel Steward (“Claimant”), filed a claim to the defendant (Doc. 6) and filed an answer to the complaint on February 8, 2002 (Doc. 5).

No other person or entity has filed a claim to the defendant and the time to do so has expired.

On April 28, 2003, the United States entered into a Settlement Agreement with the Claimant in which the parties resolved all claims to the defendant. (See Exhibit 1.) Under the terms of the Settlement Agreement, the parties agreed to sell the defendant real property and to split the net sale proceeds 50/50. The Claimant agreed to substitute and forfeit the United States’ fifty percent share of the net sale proceeds as cash in lieu of the defendant real property in this civil forfeiture action. Upon receiving the approval of the Butler County Probate Court, the Claimant sold the defendant real property. On March 22, 2005, the United States received its fifty percent share of the net sale proceeds (\$22,617.11) which it seeks to forfeit at this time.

Therefore, the United States requests that this Court enter a Decree of Forfeiture, pursuant to 18 U.S.C. § 981(a)(1)(A) and/or 18 U.S.C. § 981(a)(1)(C), confirming in the United States all right, title, and interest in the \$22,617.11 and ordering the United States Secret Service

to dispose of the \$22,617.11 in accordance with the law.

Respectfully submitted,

GREGORY G. LOCKHART  
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing United States' Motion for Decree of Forfeiture was served this 21<sup>st</sup> day of April, 2005, by regular U.S. Mail on: Stacey L. Graus, Adams, Stepner, Woltermann & Dusing, P.L.L.C., 40 West Pike Street, P.O. Box 861, Covington, Kentucky 41012, Attorney for Charlotte Penwell.

s/Donetta D. Wiethe  
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Assistant United States Attorney